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Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Australia, Austria, Croatia, Georgia, Guatemala, Iceland, Italy, Liechtenstein, Mali, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nigeria, Norway and the former Yugoslav Republic of Macedonia: draft resolution

Protection of and assistance to internally displaced persons

The General Assembly,

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,[1]

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing that natural disasters are a cause of internal displacement, and concerned about factors, such as climate change, that are expected to exacerbate the impact of natural hazards, and climate-related slow-onset events,

[1] See Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), introduction, para. 2.

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Recognizing also that the consequences of hazards can be prevented or substantially mitigated by integrating disaster risk reduction strategies into national development policies and programmes,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,[2]

Noting the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[3]

Recalling also the relevance of international humanitarian law as a vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Noting with appreciation the adoption by the International Conference on the Great Lakes Region of the Protocol on the Protection and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons and the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,[4] as steps contributing to the strengthening of the regional normative framework for the protection of and assistance to internally displaced persons in Africa,

Welcoming the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of

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[2] See Guiding Principles on Internal Displacement, principle 6.

[3] E/CN.4/1998/53/Add.2, annex.

[4] Available from www.africa-union.org.

population as a crime against humanity, and the unlawful deportation, transfer, or ordering the displacement of the civilian population as war crimes,[5]

Expressing its appreciation to those Governments and intergovernmental, regional and non-governmental organizations that have supported the work of the former Representative of the Secretary-General on the human rights of internally displaced persons and, according to their roles and responsibilities have helped to provide protection and assistance to internally displaced persons,

Welcoming the continuing cooperation between the Special Rapporteur on the human rights of internally displaced persons and national Governments, the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Welcoming also the priorities set by the Special Rapporteur contained in his report to the Human Rights Council,[6]

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[7] regarding the need to develop global strategies to address the problem of internal displacement,

Recalling also its resolution 64/162 of 18 December 2009 and Human Rights Council resolution 14/6 of 17 June 2010,[8]

1. *Welcomes* the report of the Special Rapporteur on the human rights of internally displaced persons[6] and the conclusions and recommendations contained therein;

2. *Commends* the Special Rapporteur for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

3. *Encourages* the Special Rapporteur, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, measures of prevention, including early warning, ways to strengthen protection and assistance, as well as durable solutions for internally displaced persons, and, in the latter regard, to use in his activities the Framework on Durable Solutions for Internally Displaced Persons of

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[5] Art. 7, paras. 1 (*d*) and 2 (*d*), and art. 8, paras. 2 (*a*) (vii) and 2 (*e*) (viii) (see United Nations, *Treaty Series*, vol. 2187, No. 38544).

[6] A/HRC/16/43.

[7] A/CONF.157/24 (Part I), chap. III.

[8] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. III, sect. A.

the Inter-Agency Standing Committee, and also encourages the Special Rapporteur to continue to promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

4. *Recognizes* climate change as a contributor to environmental degradation and the potential for human displacement, and encourages the Special Rapporteur, in close collaboration with States and intergovernmental and non-governmental organizations, to continue to address the human rights implications and dimensions of disaster-induced internal displacement, with a view to building local resilience and capacity, preventing displacement or providing assistance and protection to those who are forced to flee;

5. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, and in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons;

6. *Welcomes* the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa[4] during the Summit of the African Union held in Kampala, in October 2009, and invites African States to consider signing and/or ratifying the Convention;

7. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and of the Security Council;

8. *Emphasizes* the importance of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

9. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

10. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues,

when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

11. *Recognizes* the Guiding Principles on Internal Displacement[3] as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

12. *Welcomes* the use of the Guiding Principles by the Special Rapporteur in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

13. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

14. *Expresses its appreciation* that an increasing number of States have adopted domestic legislation and policies dealing with all stages of displacement;

15. *Urges* all Governments to continue to facilitate the activities of the Special Rapporteur, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Special Rapporteur for visits so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

16. *Invites* Governments to give serious consideration, in dialogue with the Special Rapporteur, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

17. *Calls upon* Governments, in compliance with their obligations under the relevant international instruments, to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons and by maintaining the civilian and humanitarian character of camps and settlements for internally displaced persons where they exist;

18. *Emphasizes* the central role of the Emergency Relief Coordinator and the inter-agency cluster system for the coordination of protection of and assistance to internally displaced persons, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of the United Nations organizations and other

relevant actors to meet the immense humanitarian challenges of internal displacement;

19. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, and to provide all possible assistance and support to the Special Rapporteur and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

20. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated appeals process, and encourages further efforts in this regard;

21. *Also notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

22. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Special Rapporteur, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources and relevant data on situations of internal displacement;

23. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe, to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Special Rapporteur;

24. *Requests* the Secretary-General to continue to provide the Special Rapporteur, from within existing resources, with all assistance necessary to carry out his mandate effectively, and encourages the Office of the United Nations High Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs of the Secretariat and the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue to support the Special Rapporteur;

25. *Encourages* the Special Rapporteur to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

26. *Requests* the Special Rapporteur to prepare, for the General Assembly at its sixty-seventh and sixty-eighth sessions, a report on the implementation of the present resolution;

27. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-eighth session.

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Sixty-sixth session

Third Committee

Agenda item 69 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Australia, Austria, Croatia, Cyprus, Denmark, Finland, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Italy, Latvia, Liechtenstein, Luxembourg, Mali, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nigeria, Norway, Romania and the former Yugoslav Republic of Macedonia: revised draft resolution

Protection of and assistance to internally displaced persons

The General Assembly,

Recalling that internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border,[1]

Recognizing that internally displaced persons are to enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

[1] See Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), introduction, para. 2.

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Recognizing that natural disasters are a cause of internal displacement, and concerned about factors, such as climate change, that are expected to exacerbate the impact of natural hazards, and climate-related events,

Recognizing also that the consequences of hazards can be prevented or substantially mitigated by integrating disaster risk reduction strategies into national development policies and programmes,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Reaffirming that all persons, including those internally displaced, have the right to freedom of movement and residence and should be protected against being arbitrarily displaced,[2]

Noting the international community's growing awareness of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, as well as voluntary local integration in the areas to which persons have been displaced or voluntary settlement in another part of the country,

Recalling the relevant norms of international law, including international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[3]

Recalling also the relevance of international humanitarian law, including the Geneva Conventions of 1949[4] and the Additional Protocols thereto, of 1977,[5] as a vital legal framework for the protection of and assistance to civilians in armed conflict and under foreign occupation, including internally displaced persons,

Noting with appreciation the adoption by the International Conference on the Great Lakes Region of the Protocol on the Protection and Assistance to Internally Displaced Persons and the Protocol on the Property Rights of Returning Persons and the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa,[6] as steps contributing to the strengthening of the regional normative framework for the protection of and assistance to internally displaced persons in Africa,

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[2] See Guiding Principles on Internal Displacement, principle 6.

[3] E/CN.4/1998/53/Add.2, annex.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

[5] Ibid., vol. 1125, Nos. 17512 and 17513.

[6] Available from www.africa-union.org.

Welcoming the increasing dissemination, promotion and application of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and recalling the relevant provisions of the Rome Statute of the International Criminal Court that define the deportation or forcible transfer of population as a crime against humanity, and the unlawful deportation, transfer, or ordering the displacement of the civilian population as war crimes,[7]

Expressing its appreciation to those Governments and intergovernmental, regional and non-governmental organizations that have supported the work of the former Representative of the Secretary-General on the human rights of internally displaced persons and, according to their roles and responsibilities, have helped to provide protection and assistance to internally displaced persons,

Welcoming the continuing cooperation between the Special Rapporteur on the human rights of internally displaced persons and national Governments, the relevant offices and agencies of the United Nations as well as with other international and regional organizations, and encouraging further strengthening of this collaboration in order to promote better strategies for, protection of, assistance to and durable solutions for internally displaced persons,

Welcoming also the priorities set by the Special Rapporteur contained in his report to the Human Rights Council,[8]

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[9] regarding the need to develop global strategies to address the problem of internal displacement,

Recalling also its resolution 64/162 of 18 December 2009 and Human Rights Council resolution 14/6 of 17 June 2010,[10]

1. *Takes note with appreciation* of the report of the Special Rapporteur on the human rights of internally displaced persons[8] and the conclusions and recommendations contained therein;

2. *Commends* the Special Rapporteur for the activities undertaken so far, for the catalytic role that he plays in raising the level of awareness about the plight of internally displaced persons and for his ongoing efforts to address their development and other specific needs, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system;

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[7] Art. 7, paras. 1 (*d*) and 2 (*d*), and art. 8, paras. 2 (*a*) (vii) and 2 (*e*) (viii) (see United Nations, *Treaty Series*, vol. 2187, No. 38544).

[8] A/HRC/16/43.

[9] A/CONF.157/24 (Part I), chap. III.

[10] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. III, sect. A.

3. *Encourages* the Special Rapporteur, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the root causes of internal displacement and of the needs and human rights of those displaced, measures of prevention, including early warning, ways to strengthen protection and assistance, as well as durable solutions for internally displaced persons, and, in the latter regard, to use in his activities the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee, and also encourages the Special Rapporteur to continue to promote comprehensive strategies, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

4. *Recognizes* the adverse effects of climate change as contributors to environmental degradation and extreme weather events, which may, among other factors, contribute to human displacement, encourages the Special Rapporteur, in close collaboration with States and intergovernmental and non-governmental organizations, to continue to explore the human rights implications and dimensions of disaster-induced internal displacement, with a view to supporting Member States in their efforts to build local resilience and capacity to prevent displacement or to provide assistance and protection to those who are forced to flee;

5. *Calls upon* States to provide durable solutions, and encourages strengthened international cooperation, including through the provision of resources and expertise to assist affected countries, and in particular developing countries, in their national efforts and policies related to assistance, protection and rehabilitation for internally displaced persons;

6. *Welcomes* the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa[6] during the Summit of the African Union held in Kampala, in October 2009, and invites African States to consider signing and/or ratifying the Convention;

7. *Recognizes* that Member States have the primary responsibility to promote durable solutions for their internally displaced persons, thus contributing to their national, economic and social development processes, and encourages the international community, the United Nations system, the Special Rapporteur on the human rights of internally displaced persons, relevant international and regional organizations and donor countries to continue to support international, regional and national efforts to meet the needs of internally displaced persons, on the basis of solidarity, the principles of international cooperation and the Guiding Principles on Internal Displacement,[3] and ensure that humanitarian assistance efforts are appropriately funded;

8. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, trafficking in persons, forced recruitment and abduction, and encourages the continued commitment of the Special Rapporteur to promote action to address their particular assistance, protection and development needs, as well as those of other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account all relevant United Nations resolutions;

9. *Emphasizes* the importance of consultation with internally displaced persons and host communities by Governments and other relevant actors, in accordance with their specific mandates, during all phases of displacement, as well as the participation of internally displaced persons, where appropriate, in programmes and activities pertaining to them, taking into account the primary responsibility of States for the protection of and assistance to internally displaced persons within their jurisdiction;

10. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes, and emphasizes that durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace process, are necessary elements of effective peacebuilding;

11. *Welcomes* the role of the Peacebuilding Commission in this regard, and continues to urge the Commission to intensify its efforts, within its mandate, in cooperation with national and transitional Governments and in consultation with the relevant United Nations entities, to incorporate the rights and the specific needs of internally displaced persons, including their voluntary return in safety and with dignity, reintegration and rehabilitation, as well as related land and property issues, when advising on or proposing country-specific peacebuilding strategies for post-conflict situations in cases under consideration;

12. *Recognizes* the Guiding Principles on Internal Displacement as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations organizations and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

13. *Welcomes* the use of the Guiding Principles by the Special Rapporteur in his dialogue with Governments, intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

14. *Encourages* States to continue to develop and implement domestic legislation and policies dealing with all stages of displacement, in an inclusive and non-discriminatory way, including through the identification of a national focal point within the Government for issues of internal displacement, and through the allocation of budget resources, and encourages the international community and national actors to provide financial support and cooperation to Governments, upon request, in this regard;

15. *Expresses its appreciation* that an increasing number of States have adopted domestic legislation and policies dealing with all stages of displacement;

16. *Urges* all Governments to continue to facilitate the activities of the Special Rapporteur, in particular Governments with situations of internal displacement, and to respond favourably to requests from the Special Rapporteur for visits so as to enable him to continue and enhance dialogue with Governments in

addressing situations of internal displacement, and thanks those Governments that have already done so;

17. *Invites* Governments to give serious consideration, in dialogue with the Special Rapporteur, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

18. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of the relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons and by maintaining the civilian and humanitarian character of camps and settlements for internally displaced persons where they exist;

19. *Emphasizes* the central role of the Emergency Relief Coordinator for the coordination of protection of and assistance to internally displaced persons, inter alia, through the inter-agency cluster system, welcomes continued initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them, and emphasizes the need to strengthen the capacities of the United Nations organizations and other relevant actors to meet the immense humanitarian challenges of internal displacement;

20. *Encourages* all relevant United Nations organizations and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and United Nations country teams in countries with situations of internal displacement, and to provide all possible assistance and support to the Special Rapporteur, and requests the continued participation of the Special Rapporteur in the work of the Inter-Agency Standing Committee and its subsidiary bodies;

21. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated appeals process, and encourages further efforts in this regard;

22. *Also notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

23. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Special Rapporteur, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources and relevant data on situations of internal displacement;

24. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the International Conference on the Great Lakes Region, the Organization of American States and the Council of Europe, to address the protection, assistance and development needs of internally displaced persons and to find durable solutions for them, and encourages regional organizations to strengthen their activities and their cooperation with the Special Rapporteur;

25. *Requests* the Secretary-General to continue to provide the Special Rapporteur, from within existing resources, with all assistance necessary to carry out his mandate effectively, and encourages the Office of the United Nations High

Commissioner for Human Rights, in close cooperation with the Emergency Relief Coordinator, the Office for the Coordination of Humanitarian Affairs of the Secretariat and the Office of the United Nations High Commissioner for Refugees and all other relevant United Nations offices and agencies, to continue to support the Special Rapporteur;

26. *Encourages* the Special Rapporteur to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

27. *Requests* the Special Rapporteur to prepare, for the General Assembly at its sixty-seventh and sixty-eighth sessions, a report on the implementation of the present resolution;

28. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-eighth session.

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Sixty-sixth session
Third Committee
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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Australia, Austria, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Guinea, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Mali, Mexico, Monaco, Montenegro, Norway, Peru, Republic of Moldova, Senegal, Slovakia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities annexed to that resolution, and bearing in mind article 27 of the International Covenant on Civil and Political Rights[1] as well as other relevant existing international standards and national legislation,

Recalling also its subsequent resolutions on the effective promotion of the Declaration, as well as Human Rights Council resolutions 6/15 of 28 September 2007, by which the Council established the Forum on Minority Issues,[2] 16/6 of 24 March 2011 on the mandate of the Independent Expert on minority issues[3] and 18/3 of 29 September 2011 on the panel to commemorate the twentieth anniversary of the adoption of the Declaration,[4]

Affirming that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, dialogue between these

[1] See resolution 2200 A (XXI), annex.
[2] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.
[3] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.
[4] Ibid., *Supplement No. 53A* (A/66/53/Add.1).

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minorities and the rest of society and the constructive and inclusive development of practices and institutional arrangements to accommodate diversity within societies, contribute to political and social stability and the prevention and peaceful resolution of conflicts involving minorities,

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities in many countries and their often tragic consequences, and that they often suffer disproportionately from the effects of conflict resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Emphasizing the important role that national institutions can play in the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as well as in early warning and awareness-raising measures to address problems regarding minority situations,

Emphasizing also the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing economic and social conditions and marginalization, as well as to end any type of discrimination against them,

Emphasizing further the fundamental importance of human rights education, training and learning as well as of dialogue and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies as well as social cohesion therein,

Acknowledging that the United Nations has an important role to play regarding the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, taking due account of, and giving effect to, the Declaration,

Noting that 2012 will mark the twentieth anniversary of the adoption of the Declaration,

Affirming that the anniversary offers an important opportunity to reflect on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as well as on achievements, best practices and challenges with regard to the implementation of the Declaration,

Recognizing in this context the important role played by the Independent Expert on minority issues in promoting the implementation of the Declaration,

1. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[5] and

[5] Resolution 47/135, annex.

draws attention to the relevant provisions of the Durban Declaration and Programme of Action,[6] including the provisions on forms of multiple discrimination;

2. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

3. *Urges* States to take all appropriate measures, including constitutional, legislative, administrative and other measures, for the promotion and implementation of the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in particular on the exchange of best practices and lessons learned, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. *Calls upon* States to give special attention to the promotion and protection of the human rights of women and children belonging to national or ethnic, religious and linguistic minorities;

5. *Encourages* States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to persons belonging to national or ethnic, religious and linguistic minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

6. *Takes note with appreciation* of the report of the Independent Expert on minority issues and its special focus on the role of the protection of minority rights in conflict prevention;[7]

7. *Calls upon* States to integrate the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as effective non-discrimination and equality for all, into strategies for the prevention and resolution of conflicts involving these minorities, while ensuring their full and effective participation in the design, implementation and evaluation of such strategies;

8. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including in the context of the prevention and resolution of disputes, to assist in resolving existing or potential situations involving minorities;

9. *Commends* the Independent Expert on minority issues for the work and important role in raising the level of awareness of, and in giving added visibility to, the rights of persons belonging to national or ethnic, religious and linguistic minorities and for the ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through

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[6] See A/CONF.189/12 and Corr.1, chap. I.

[7] A/HRC/16/45.

close cooperation with Governments, the relevant United Nations bodies and mechanisms and non-governmental organizations;

10. *Calls upon* all States to cooperate with and assist the Independent Expert in the performance of the tasks and duties mandated to her, to provide her with all the necessary information requested and to seriously consider responding promptly and favourably to requests of the Independent Expert to visit their countries so as to enable her to fulfil her duties effectively;

11. *Encourages* the specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate holder as well as to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. *Expresses its appreciation* for the successful completion of the first three sessions of the Forum on Minority Issues, addressing the right to education, the right to effective political participation and the right to participation in economic life and which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on these topics, and encourages States to take into consideration, as appropriate, relevant recommendations of the Forum;

13. *Invites* States, United Nations mechanisms, bodies, specialized agencies, funds and programmes, regional, intergovernmental and non-governmental organizations and national human rights institutions as well as academics and experts on minority issues to continue to participate actively in the sessions of the Forum on Minority Issues;

14. *Welcomes* the decision of the Human Rights Council to convene, at its nineteenth session, a panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration, with a particular focus on its implementation as well as on achievements, best practices and challenges in this regard;

15. *Invites* the Office of the United Nations High Commissioner for Human Rights, the Independent Expert and relevant United Nations entities, within existing resources, as well as Member States, to explore possibilities for organizing activities to mark the twentieth anniversary of the Declaration;

16. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to further increase their cooperation by, inter alia, developing policies on the promotion and protection of rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum;

17. *Requests* the High Commissioner for Human Rights to continue her efforts to improve coordination and cooperation among United Nations agencies, funds and programmes on activities related to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

18. *Calls upon* the High Commissioner for Human Rights to continue to promote, within her mandate, the implementation of the Declaration, and to engage

in a dialogue with Governments for that purpose and regularly update and disseminate widely the United Nations Guide for Minorities;

19. *Invites* the High Commissioner for Human Rights to continue to seek voluntary contributions to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to national or ethnic, religious and linguistic minorities, in particular those from developing countries, in minority-related activities organized by the United Nations, in particular the activities of its human rights bodies, and in doing so to give particular attention to ensuring the participation of young people and women;

20. *Invites* the human rights treaty bodies, when considering reports submitted by States parties as well as under special procedures of the Human Rights Council, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

21. *Reaffirms* that the universal periodic review, together with the United Nations human rights treaty bodies, constitute important mechanisms for the promotion and protection of human rights and fundamental freedoms, and in that regard, calls upon States to effectively follow up on accepted universal periodic review recommendations related to the rights of persons belonging to national or ethnic, religious and linguistic minorities and encourages States to give serious consideration to the follow-up to recommendations by treaty bodies on the matter;

22. *Invites* the Independent Expert on minority issues to report annually to the General Assembly;

23. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-eighth session, including information on activities carried out by the Office of the United Nations High Commissioner for Human Rights, the Independent Expert and relevant United Nations entities, within existing resources, as well as activities by Member States, to mark the twentieth anniversary of the adoption of the Declaration;

24. *Decides* to continue consideration of the question at its sixty-eighth session under the item entitled "Human rights questions".

United Nations A/C.3/66/L.46*

General Assembly

Distr.: Limited
27 October 2011

Original: English

Sixty-sixth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Australia, Austria, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Guinea, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Mali, Mexico, Monaco, Montenegro, Norway, Peru, Republic of Moldova, Senegal, Slovakia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities annexed to that resolution, and bearing in mind article 27 of the International Covenant on Civil and Political Rights[1] as well as other relevant existing international standards and national legislation,

Recalling also its subsequent resolutions on the effective promotion of the Declaration, as well as Human Rights Council resolutions 6/15 of 28 September 2007, by which the Council established the Forum on Minority Issues,[2] 16/6 of 24 March 2011 on the mandate of the Independent Expert on minority issues[3] and 18/3 of 29 September 2011 on the panel to commemorate the twentieth anniversary of the adoption of the Declaration,[4]

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* Reissued for technical reasons on 8 November 2011.

[1] See resolution 2200 A (XXI), annex.

[2] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.

[3] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

[4] Ibid., *Supplement No. 53A* (A/66/53/Add.1).

Please recycle

Affirming that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and dialogue between these minorities and the rest of society as well as the constructive and inclusive development of practices and institutional arrangements to accommodate diversity within societies, contribute to political and social stability and the prevention and peaceful resolution of conflicts involving them,

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities in many countries and their often tragic consequences, and that they often suffer disproportionately from the effects of conflict resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Emphasizing the important role that national institutions can play in the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as well as in early warning and awareness-raising measures to address problems regarding minority situations,

Emphasizing also the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing economic and social conditions and marginalization, as well as to end any type of discrimination against them,

Emphasizing further the fundamental importance of human rights education, training and learning as well as of dialogue and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices such as for the promotion of mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies as well as social cohesion therein,

Acknowledging that the United Nations has an important role to play regarding the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, taking due account of, and giving effect to, the Declaration,

Noting that 2012 will mark the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Affirming that the anniversary offers an important opportunity to reflect on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as well as on achievements, best practices and challenges with regard to the implementation of the Declaration,

Recognizing in this context the important role played by the Independent Expert on minority issues in promoting the implementation of the Declaration,

1. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of

Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[5] and draws attention to the relevant provisions of the Durban Declaration and Programme of Action,[6] including the provisions on forms of multiple discrimination;

2. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

3. *Urges* States to take all appropriate measures, inter alia, constitutional, legislative, administrative and other measures, for the promotion and implementation of the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in particular on the exchange of best practices and lessons learned, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. *Calls upon* States to give special attention to the promotion and protection of the human rights of women and children belonging to national or ethnic, religious and linguistic minorities;

5. *Encourages* States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to persons belonging to national or ethnic, religious and linguistic minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

6. *Takes note with appreciation* of the report of the Independent Expert on minority issues and its special focus on the role of the protection of minority rights in conflict prevention;[7]

7. *Calls upon* States to integrate the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as effective non-discrimination and equality for all, into strategies for the prevention and resolution of conflicts involving these minorities, while ensuring their full and effective participation in the design, implementation and evaluation of such strategies;

8. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including in the context of the prevention and resolution of disputes, to assist in resolving existing or potential situations involving minorities;

9. *Commends* the Independent Expert on minority issues for the work done and the important role in raising the level of awareness of, and in giving added visibility to, the rights of persons belonging to national or ethnic, religious and linguistic minorities and for the ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies,

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[5] Resolution 47/135, annex.

[6] See A/CONF.189/12 and Corr.1, chap. I.

[7] A/HRC/16/45.

including through close cooperation with Governments, the relevant United Nations bodies and mechanisms and non-governmental organizations;

10. *Calls upon* all States to cooperate with and assist the Independent Expert in the performance of the tasks and duties mandated to her, to provide her with all the necessary information requested and to seriously consider responding promptly and favourably to the request of the Independent Expert to visit their countries in order to enable her to fulfil her duties effectively;

11. *Encourages* the specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate holder as well as to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. *Expresses its appreciation* for the successful completion of the first three sessions of the Forum on Minority Issues, addressing the right to education, the right to effective political participation and the right to participation in economic life and which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on these topics, and encourages States to take into consideration, as appropriate, relevant recommendations of the Forum;

13. *Invites* States, United Nations mechanisms, bodies, specialized agencies, funds and programmes, regional, intergovernmental and non-governmental organizations and national human rights institutions as well as academics and experts on minority issues to continue to participate actively in the sessions of the Forum on Minority Issues;

14. *Welcomes* the decision of the Human Rights Council to convene, at its nineteenth session, a panel discussion to commemorate the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, with a particular focus on its implementation as well as on achievements, best practices and challenges in this regard;

15. *Invites* the Office of the United Nations High Commissioner for Human Rights, the Independent Expert and relevant United Nations entities, within existing resources, as well as Member States, to explore possibilities for organizing activities to mark the twentieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

16. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to further increase their cooperation by, inter alia, developing policies on the promotion and protection of rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum;

17. *Requests* the United Nations High Commissioner for Human Rights to continue her efforts to improve coordination and cooperation among United Nations agencies, funds and programmes on activities related to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

18. *Calls upon* the High Commissioner for Human Rights to continue to promote, within her mandate, the implementation of the Declaration, and to engage in a dialogue with Governments for that purpose and regularly update and disseminate widely the United Nations Guide for Minorities;

19. *Invites* the High Commissioner for Human Rights to continue to seek voluntary contributions to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to national or ethnic, religious and linguistic minorities, in particular those from developing countries, in minority-related activities organized by the United Nations, in particular the activities of its human rights bodies, and in doing so to give particular attention to ensuring the participation of young people and women;

20. *Invites* the human rights treaty bodies, when considering reports submitted by States parties as well as special procedures of the Human Rights Council, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

21. *Reaffirms* that the universal periodic review, together with the United Nations human rights treaty bodies, constitute important mechanisms for the promotion and protection of human rights and fundamental freedoms, and in that regard, calls upon States to effectively follow up on accepted universal periodic review recommendations related to the rights of persons belonging to national or ethnic, religious and linguistic minorities and encourages States to give serious consideration to the follow-up to treaty body recommendations on the matter;

22. *Invites* the Independent Expert on minority issues to report annually to the General Assembly;

23. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-eighth session, including information on activities undertaken by the Office of the United Nations High Commissioner for Human Rights, the Independent Expert and relevant United Nations entities, within existing resources, as well as by Member States, to mark the twentieth anniversary of the adoption of the Declaration;

24. *Decides* to continue consideration of the question at its sixty-eighth session under the item entitled "Human rights questions".

United Nations A/C.3/66/L.47

General Assembly

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27 October 2011

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Sixty-sixth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

United Arab Emirates:* draft resolution

Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief

The General Assembly,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming further that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that the International Covenant on Civil and Political Rights[1] provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of one's choice and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching,

* On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation.

[1] See resolution 2200 A (XXI), annex.

Please recycle

Welcoming Human Rights Council resolution 16/18 of 24 March 2011,[2]

Reaffirming the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Strongly deploring also all attacks on and in religious places, sites and shrines in violation of international law, in particular human rights law and international humanitarian law, including any deliberate destruction of relics and monuments,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence occurring in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern about the manifestation of cultural and religious intolerance, which generates hatred and violence among peoples and nations, and in this regard emphasizing the importance of respect for religious and cultural diversity, as well as dialogue among and within religions and cultures, which can contribute to universal respect for and observance of all human rights and fundamental freedoms,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for religious and cultural diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to

[2] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

promoting tolerance and the elimination of discrimination based on religion or belief,

Recognizing that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interreligious and intercultural efforts and expand human rights education is an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Welcoming the establishment, in Vienna, of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue on the basis of the purposes and principles enshrined in the Universal Declaration of Human Rights,[3] and acknowledging the important role that the Centre will play as a permanent platform for the enhancement of interreligious and intercultural dialogue,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses concern* that the number of incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continues to rise around the world, condemns, in this context, any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution and consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

4. *Recognizes* that the open public debate of ideas, as well as interreligious and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and expresses its conviction that a continuing dialogue on these issues can help overcome existing misperceptions;

5. *Takes note* of the statement made by the Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and reiterates his call upon all States to foster a national environment of religious tolerance, peace and respect by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue, and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the

[3] Resolution 217 A (III).

fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging the training of Government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and developing strategies to counter those causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize the incitement to imminent violence based on religion or belief;

(g) Understanding the need to combat denigration and the negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-raising;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interreligious and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

6. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

7. *Encourages* all States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High Commissioner for Human Rights, and requests in this respect the High Commissioner for Human Rights to include those updates in her reports to the Human Rights Council;

8. *Calls upon* all States to adopt measures and policies to promote the full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

9. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs;

10. *Requests* the Secretary-General to submit a report on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, in particular on the implementation of the steps mentioned in the present resolution, to the General Assembly at its sixty-seventh session.

United Nations A/C.3/66/L.47/Rev.1

General Assembly

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Sixty-sixth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

United Arab Emirates:* revised draft resolution

Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief

The General Assembly,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief,

Reaffirming also the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming further that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming that the International Covenant on Civil and Political Rights[1] provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of one's choice and freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching,

* On behalf of the States Members of the United Nations that are members of the Organization of Islamic Cooperation.

[1] See resolution 2200 A (XXI), annex.

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Please recycle

Welcoming Human Rights Council resolution 16/18 of 24 March 2011,[2]

Reaffirming the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Strongly deploring, further, also all attacks on and in religious places, sites and shrines in violation of international law, in particular human rights law and international humanitarian law, including any deliberate destruction of relics and monuments,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence occurring in many parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Expressing concern at manifestations of intolerance based on religion or belief that can generate hatred and violence among individuals composing different nations, and, in this regard, emphasizing the importance of respect for religious and cultural diversity, as well as interfaith and intercultural dialogue, which contribute to promoting a culture of tolerance and respect among individuals, societies and nations,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards an improved awareness and understanding of the common values shared by all humankind,

Underlining that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of and its respect for religious and cultural diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to

[2] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

promoting tolerance and the elimination of discrimination based on religion or belief,

Recognizing that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education is an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

Welcoming the establishment of the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue in Vienna, initiated by King Abdullah of Saudi Arabia, on the basis of the purposes and principles enshrined in the Universal Declaration of Human Rights,[3] and acknowledging the important role that the Centre is expected to play as a platform for the enhancement of interreligious and intercultural dialogue,

Welcoming in this regard all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses concern* that the number of incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief, continues to rise around the world, condemns, in this context, any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in the present resolution and consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

4. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue, at the local, national and international levels can be among the best protections against religious intolerance and can play a positive role in strengthening democracy and combating religious hatred, and expresses its conviction that a continuing dialogue on these issues can help overcome existing misperceptions;

5. *Reiterates* the call made by the Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council upon all States to take the following actions to foster a domestic environment of religious tolerance, peace and respect:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared

[3] Resolution 217 A (III).

policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

(c) Encouraging the training of Government officials in effective outreach strategies;

(d) Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and developing strategies to counter those causes;

(e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;

(f) Adopting measures to criminalize the incitement to imminent violence based on religion or belief;

(g) Understanding the need to combat denigration and the negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-raising;

(h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

6. *Calls upon* all States:

(a) To take effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief;

(b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society;

(c) To encourage the representation and meaningful participation of individuals, irrespective of their religion or belief, in all sectors of society;

(d) To make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

7. *Calls upon* all States to adopt measures and policies to promote the full respect for and protection of places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

8. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs;

9. *Encourages* all States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High

Commissioner for Human Rights, and requests in this respect the High Commissioner for Human Rights to include those updates in her reports to the Human Rights Council;

10. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in the present resolution.

United Nations A/C.3/66/L.48

General Assembly

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Sixty-sixth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights,[2] and other relevant human rights provisions,

Recalling further its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution 65/211 of 21 December 2010, and Human Rights Council resolution 16/13 of 24 March 2011,[3]

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

[1] See resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. III, sect. A.

Please recycle

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Reaffirming that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt a religion or belief of one's own choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals and members of religious communities and religious minorities around the world and at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, as well as at the Durban Review Conference, held in Geneva from 20 to 24 April 2009,

Concerned that acts of violence, or credible threats of violence, against persons belonging to religious communities and religious minorities are sometimes tolerated or encouraged by official authorities,

Concerned also about the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief, and about the implementation of existing laws in a discriminatory manner,

Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women and other individuals on the grounds or in the name of religion or belief or in accordance with cultural and traditional practices and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations,

Seriously concerned about all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Strongly condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection by the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion or belief;

4. *Also emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses further the role that these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence, regardless of the actors, directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

6. *Strongly condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

7. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief, and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

9. *Emphasizes* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

10. *Also emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

11. *Expresses concern* about the continued existence of instances of religious intolerance, as well as about emerging obstacles to the enjoyment of the right to freedom of religion or belief, inter alia:

(a) Instances of intolerance and violence directed against members of many religious minorities and other communities in various parts of the world;

(b) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

(c) Attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance for the dignity and lives of members of communities holding spiritual or religious beliefs;

(d) Instances, both in law and practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights,[1] as well as other international instruments;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction;

12. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction, inter alia, by providing access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely practise one's religion, including the right to change their religion or belief, is violated;

(b) To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, and that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas;

(h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(i) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(j) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(k) To promote, through education and other means, understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging a wider knowledge in the society at large of the history, traditions, languages and cultures of the various religious groups, including religious minorities existing within their jurisdiction;

(l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

13. *Commends* initiatives by the media to promote tolerance and respect for religious and cultural diversity and the universal promotion and protection of human rights, including the freedom of religion or belief;

14. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations initiative and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

15. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[4] and further encourages their work in promoting freedom of religion or belief, in highlighting cases of religious intolerance, discrimination and persecution and in promoting religious tolerance;

[4] See resolution 36/55.

16. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, and promote its implementation;

17. *Welcomes* the work and the interim report of the Special Rapporteur of the Human Rights Council on freedom of religion or belief,[5] in particular his comments on interreligious communication;

18. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to his requests to visit their countries and to provide all necessary information and follow-up for the effective fulfilment of his mandate;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge his mandate;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-seventh session;

21. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

[5] A/66/156.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Monaco, Montenegro, Netherlands, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America: revised draft resolution

Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights,[2] and other relevant human rights provisions,

Recalling further its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution

[1] See resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).

Please recycle

65/211 of 21 December 2010, and Human Rights Council resolution 16/13 of 24 March 2011,[3]

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Reaffirming that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or not to have, or to adopt a religion or belief of one's own choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals and members of religious communities and religious minorities around the world and at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, as well as at the Durban Review Conference, held in Geneva from 20 to 24 April 2009,

Concerned that acts of violence, or credible threats of violence, against persons belonging to religious communities and religious minorities are sometimes tolerated or encouraged by official authorities,

Concerned also about the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief, and about the implementation of existing laws in a discriminatory manner,

Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women and other individuals on the grounds or in the name of religion or belief or in accordance with cultural and traditional practices and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations,

Seriously concerned about all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

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[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. III, sect. A.

Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

1. *Strongly condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection by the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion or belief;

4. *Also emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses further the role that these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence, regardless of the actors, directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

6. *Strongly condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

7. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief, and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

8. *Recognizes with concern* the situation of persons in vulnerable situations, including persons deprived of their liberty, refugees, asylum-seekers and internally displaced persons, children, persons belonging to national or ethnic, religious and linguistic minorities and migrants, as regards their ability to freely exercise their right to freedom of religion or belief;

9. *Emphasizes* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

10. *Also emphasizes* that no religion should be equated with terrorism, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

11. *Deplores* the continued existence of instances of religious intolerance, as well as about emerging obstacles to the enjoyment of the right to freedom of religion or belief, inter alia:

(a) Instances of intolerance and violence directed against members of many religious minorities and other communities in various parts of the world;

(b) Incidents of religious hatred, discrimination, intolerance and violence, which may be manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

(c) Attacks on or destruction of religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance for the dignity and lives of members of communities holding spiritual or religious beliefs;

(d) Instances, both in law and practice, that constitute violations of the fundamental right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights,[1] as well as other international instruments;

(e) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction;

12. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction, inter alia, by providing access to justice and effective remedies in cases where the right to freedom of thought, conscience and religion or belief or the right to freely practise one's religion, including the right to change their religion or belief, is violated;

(b) To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, and that no one within their jurisdiction is deprived of the right to life, liberty and security of person because of religion or belief and that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits, and to ensure that everyone has the right

and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(e) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(f) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(g) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas;

(h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(i) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that all necessary and appropriate awareness-raising, education or training is provided;

(j) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to members of religious minorities in all parts of the world;

(k) To promote, through education and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in the society at large, a wider knowledge of different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(l) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis, and to detect signs of intolerance that may lead to discrimination based on religion or belief;

13. *Welcomes and encourages* initiatives by the media to promote tolerance and respect for religious and cultural diversity and the universal promotion and protection of human rights, including the freedom of religion or belief;

14. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations initiative and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

15. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,[4] and further encourages their work in promoting freedom of religion or belief, in highlighting cases of religious intolerance, discrimination and persecution and in promoting religious tolerance;

16. *Recommends* that States, the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

17. *Welcomes* the work and the interim report of the Special Rapporteur of the Human Rights Council on freedom of religion or belief,[5] in particular his comments on interreligious communication;

18. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to his requests to visit their countries and to provide all necessary information and follow-up for the effective fulfilment of his mandate;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge his mandate;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-seventh session;

21. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

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[4] See resolution 36/55.

[5] A/66/156.

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Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Israel, Italy, Jordan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Montenegro, Morocco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland: draft resolution

National institutions for the promotion and protection of human rights

The General Assembly,

Recalling its previous resolutions on national institutions for the promotion and protection of human rights, the most recent of which was resolution 64/161 of 18 December 2009, and those of the Commission on Human Rights and the Human Rights Council concerning national institutions and their role in the promotion and protection of human rights,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles"),[1]

Reaffirming the important role that such national institutions play and will continue to play in promoting and protecting human rights and fundamental freedoms, in strengthening participation and the rule of law and in developing and enhancing public awareness of those rights and freedoms,

[1] Resolution 48/134, annex.

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Recalling its resolution 65/207 of 21 December 2010 regarding the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights,

Recognizing the important role of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, in assisting the development of independent and effective national human rights institutions, guided by the Paris Principles, and recognizing also in this regard the potential for strengthened and complementary cooperation among the United Nations, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and those national institutions in the promotion and protection of human rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] which reaffirmed the important and constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities and their role in preventing and remedying human rights violations, in disseminating information on human rights and in education in human rights,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds, and that all States, regardless of their political, economic and cultural systems, have the duty to promote and protect all human rights and fundamental freedoms,

Recalling the programme of action adopted by national institutions, at their meeting held in Vienna in June 1993 during the World Conference on Human Rights,[3] for the promotion and protection of human rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Taking note with appreciation of the reports of the Secretary-General to the Human Rights Council on national institutions for the promotion and protection of human rights[4] and on the accreditation process of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights,[5]

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and noting with appreciation the continuing work of the European Group of National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the Network of African National Human Rights Institutions,

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[2] A/CONF.157/24 (Part I), chap. III.

[3] See A/CONF.157/NI/6.

[4] A/HRC/16/76.

[5] A/HRC/16/77.

1. *Takes note with appreciation* of the report of the Secretary-General[6] and the conclusions contained therein;

2. *Reaffirms* the importance of the development of effective, independent and pluralistic national institutions for the promotion and protection of human rights, in accordance with the Paris Principles;[1]

3. *Recognizes* the role of independent national institutions for the promotion and protection of human rights in working together with Governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms;

4. *Welcomes* the increasingly important role of national institutions for the promotion and protection of human rights in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights;

5. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[2] it is the right of each State to choose the framework for national institutions that is best suited to its particular needs at the national level in order to promote human rights in accordance with international human rights standards;

6. *Encourages* Member States to establish effective, independent and pluralistic national institutions or, where they already exist, to strengthen them for the promotion and protection of all human rights and fundamental freedoms for all, as outlined in the Vienna Declaration and Programme of Action;

7. *Welcomes* the growing number of States establishing or considering the establishment of national institutions for the promotion and protection of human rights, and welcomes, in particular, the growing number of States that have accepted recommendations to establish national institutions compliant with the Paris Principles through the universal periodic review and, where relevant, treaty body monitoring and the special procedures mechanism;

8. *Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international instruments;

9. *Recognizes* the role played by national institutions for the promotion and protection of human rights in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, as well as in the human rights treaty bodies, in accordance with Council resolutions 5/1 and 5/2 of 18 June 2007[7] and Commission on Human Rights resolution 2005/74 of 20 April 2005;[8]

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[6] A/66/274.

[7] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

[8] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

10. *Welcomes* the strengthening of opportunities to contribute to the work of the Human Rights Council for national human rights institutions compliant with the Paris Principles, as reaffirmed in the Council review outcome document[9] adopted by the General Assembly by its resolution 65/281 of 17 June 2011, and encourages national human rights institutions to exercise this participatory right;

11. *Stresses* the importance of the financial and administrative independence and stability of national human rights institutions for the promotion and protection of human rights, and notes with satisfaction the efforts of those States that have provided their national institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

12. *Urges* the Secretary-General to continue to give high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions;

13. *Underlines* the importance of the autonomy and independence of Ombudsman institutions, encourages increased cooperation between national human rights institutions and regional and international associations of Ombudsmen, and also encourages Ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national human rights protection mechanisms;

14. *Commends* the high priority given by the Office of the United Nations High Commissioner for Human Rights to work on national human rights institutions, encourages the High Commissioner, in view of the expanded activities relating to national institutions, to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend activities in support of national institutions, and invites Governments to contribute additional voluntary funds to that end;

15. *Encourages* all United Nations human rights mechanisms as well as agencies, funds and programmes to work within their respective mandates with Member States and national institutions in the promotion and protection of human rights with respect to, inter alia, projects in the area of good governance and the rule of law, and in this regard welcomes the efforts made by the High Commissioner to develop partnerships in support of national institutions, including the emerging tripartite partnership among the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights and the International Coordinating Committee;

16. *Welcomes* the important role played by the International Coordinating Committee, in close cooperation with the Office of the United Nations High Commissioner for Human Rights, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, in strengthening national human rights institutions in accordance with the Paris Principles;

[9] Human Rights Council resolution 16/21, annex.

17. *Encourages* national institutions, including Ombudsman and mediator institutions, to seek accreditation status through the International Coordinating Committee;

18. *Encourages* all Member States to take appropriate steps to promote the exchange of information and experience concerning the establishment and effective operation of national human rights institutions, and to support the work of the International Coordinating Committee and its regional coordinating networks, including through financial contributions to the Office of the United Nations High Commissioner for Human Rights in this regard;

19. *Requests* the Secretary-General to continue to provide the assistance necessary for holding international and regional meetings of national institutions, including meetings of the International Coordinating Committee, in cooperation with the Office of the United Nations High Commissioner for Human Rights;

20. *Also requests* the Secretary-General to report to the General Assembly at its sixty-eighth session on the implementation of the present resolution.

United Nations A/C.3/66/L.50

General Assembly

Distr.: Limited
28 October 2011

Original: English

Sixty-sixth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Australia, Canada. New Zealand, Peru, Trinidad and Tobago and Turkey: draft resolution

International Day of the Girl

The General Assembly,

Recalling its resolution 64/145 of 18 December 2009 and all relevant resolutions, including the agreed conclusions of the Commission on the Status of Women, in particular those relevant to the girl child,

Recalling all human rights and other instruments relevant to the rights of the child, in particular the girl child, including the Convention on the Rights of the Child,[1] the Convention on the Elimination of All Forms of Discrimination against Women,[2] the Convention on the Rights of Persons with Disabilities[3] and the Optional Protocols thereto,[4]

Recognizing that despite progress in addressing all forms of discrimination and violence against girls and in the recognition of their rights, discrimination and violations of the human rights of girls still persist, and reiterating the need to intensify efforts in this regard,

Recognizing that the empowerment of girls is key in decreasing discrimination and violence and in promoting and protecting the full and effective enjoyment of their human rights, and further recognizing that empowering girls requires the active support and engagement of their parents, legal guardians, families, boys and men, as well as the wider community,

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[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[2] Ibid., vol. 1249, No. 20378.
[3] Resolution 61/106, annex I.
[4] United Nations, *Treaty Series*, vols. 2171 and 2173, No. 27531; and ibid., vol. 2131, No. 20378; and resolution 61/106, annex II..

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1. *Decides* to designate 22 September as the International Day of the Girl, to be observed every year beginning in 2012;

2. *Invites* all Member States, relevant organizations of the United Nations system and other international organizations, as well as civil society, to observe the International Day of the Girl and to raise awareness of the situation of girls around the world;

3. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and United Nations organizations.

United Nations A/C.3/66/L.51

General Assembly

Distr.: Limited
27 October 2011

Original: English

Sixty-sixth session
Third Committee
Agenda item 69 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Argentina, Australia, Brazil, Canada, Chile, El Salvador, Guatemala, Honduras, Ireland, Luxembourg, Mexico, Micronesia (Federated States of), Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the Universal Declaration of Human Rights,[1]

Reaffirming further the Vienna Declaration and Programme of Action,[2]

Reaffirming the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Reaffirming also that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Reaffirming further that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

Reiterating the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights, refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights and fundamental freedoms, as well as the need to continue this fight, including

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.

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through strengthening international cooperation and the role of the United Nations in this respect,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee and humanitarian law,

Noting with concern measures that can undermine human rights and the rule of law, such as the detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures,

Stressing that all measures used in the fight against terrorism, including the profiling of individuals and the use of diplomatic assurances, memorandums of understanding and other transfer agreements or arrangements, must be in compliance with the obligations of States under international law, including international human rights, refugee and humanitarian law,

Stressing also that a criminal justice system based on respect for human rights and the rule of law, including due process and fair trial guarantees, is one of the best means for effectively countering terrorism and ensuring accountability,

Recalling article 30 of the Universal Declaration of Human Rights, and reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,[3]

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Recognizing that respect for all human rights, respect for democracy and respect for the rule of law are interrelated and mutually reinforcing,

Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment, and of abiding strictly by the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] in the fight against terrorism,

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[3] See sect. I, para. 17, of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

Recalling its resolution 65/221 of 21 December 2010 and Human Rights Council resolution 13/26 of 26 March 2010[5] and other relevant resolutions and decisions as stated in the preamble to resolution 65/221, and welcoming the efforts of all relevant stakeholders to implement those resolutions,

Recalling also its resolution 60/288 of 8 September 2006, by which it adopted the United Nations Global Counter-Terrorism Strategy, and its resolution 64/297 of 8 September 2010 on the review of the Strategy, and reaffirming that the promotion and protection of human rights for all and the rule of law are essential to the fight against terrorism, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing, and stressing the need to promote and protect the rights of victims of terrorism,

Recalling further Human Rights Council resolution 15/15 of 30 September 2010,[6] by which the Council decided to extend the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism,

Recalling its resolution 64/115 of 16 December 2009 and the annex thereto entitled "Introduction and implementation of sanctions imposed by the United Nations", in particular the provisions of the annex regarding listing and de-listing procedures,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deeply deplores* the suffering caused by terrorism to the victims and their families, expresses its profound solidarity with them, and stresses the importance of providing them with assistance;

3. *Expresses serious concern* at the occurrence of violations of human rights and fundamental freedoms, as well as of international refugee and humanitarian law, committed in the context of countering terrorism;

4. *Reaffirms* that all counter-terrorism measures should be implemented in accordance with international law, including international human rights, refugee and humanitarian law, thereby taking into full consideration the human rights of all, including persons belonging to national or ethnic, religious and linguistic minorities, and in this regard must not be discriminatory on grounds such as race, colour, sex, language, religion or social origin;

5. *Also reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[7] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, and underlines the exceptional and

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[5] See *Official Records of the General Assembly, Sixty fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. II, sect. A.

[6] Ibid., *Supplement No. 53A* (A/65/53/Add.1), chap. II.

[7] See resolution 2200 A (XXI), annex.

temporary nature of any such derogations,[8] and in this regard calls upon States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

6. *Urges* States, while countering terrorism:

(a) To fully comply with their obligations under international law, in particular international human rights, refugee and humanitarian law, with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To take all steps necessary to ensure the right of anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power, and the right to trial within a reasonable time or release, and in that regard to take all necessary steps to ensure the right of any person deprived of liberty by arrest or detention, regardless of the place of arrest or detention, to bring proceedings before court, in order that the court may decide without delay on the lawfulness of his or her detention and order his or her release if the detention is not lawful, in accordance with their international obligations;

(c) To ensure that no form of deprivation of liberty places a detained person outside the protection of the law, and to respect the safeguards concerning the liberty, security and dignity of the person, in accordance with international law, including international human rights and humanitarian law;

(d) To treat all prisoners in all places of detention in accordance with international law, including international human rights and humanitarian law;

(e) To respect the right of persons to equality before the law, courts and tribunals and to a fair trial as provided for in international law, including international human rights law, such as the International Covenant on Civil and Political Rights, and international humanitarian and refugee law;

(f) To safeguard the right to privacy in accordance with international law, and to take measures to ensure that interferences with the right to privacy are regulated by law, and subject to effective oversight and appropriate redress, including through judicial review or other means;

(g) To protect all human rights, including economic, social and cultural rights, bearing in mind that certain counter-terrorism measures may have an impact on the enjoyment of these rights;

(h) To ensure that guidelines and practices in all border control operations and other pre-entry mechanisms are clear and fully respect their obligations under international law, particularly international refugee and human rights law, towards persons seeking international protection;

(i) To fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that

[8] See, for example, General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

(j) To refrain from returning persons, including in cases related to terrorism, to their countries of origin or to a third State whenever such transfer would be contrary to their obligations under international law, in particular international human rights, humanitarian and refugee law, including in cases where there are substantial grounds for believing that they would be in danger of subjection to torture, or where their life or freedom would be threatened, in violation of international refugee law, on account of their race, religion, nationality, membership of a particular social group or political opinion, bearing in mind obligations that States may have to prosecute individuals not returned;

(k) Insofar as such an act runs contrary to their obligations under international law, not to expose individuals to cruel, inhuman or degrading treatment or punishment by way of return to another country;

(l) To ensure that their laws criminalizing acts of terrorism are accessible, formulated with precision, non-discriminatory, non-retroactive and in accordance with international law, including human rights law;

(m) Not to resort to profiling based on stereotypes founded on grounds of discrimination prohibited by international law, including on racial, ethnic and/or religious grounds;

(n) To ensure that the interrogation methods used against terrorism suspects are consistent with their international obligations and are reviewed on a regular basis to prevent the risk of violations of their obligations under international law, including international human rights, refugee and humanitarian law;

(o) To ensure that any person whose human rights or fundamental freedoms have been violated has access to an effective and enforceable remedy within a reasonable time and that victims of such violations receive adequate, effective and prompt reparations, where appropriate, including by bringing to justice those responsible for such violations;

(p) To ensure due process guarantees, consistent with all relevant provisions of the Universal Declaration of Human Rights,[1] and their obligations under the International Covenant on Civil and Political Rights,[7] the Geneva Conventions of 1949[9] and the Additional Protocols thereto, of 1977,[10] and the 1951 Convention relating to the Status of Refugees[11] and the 1967 Protocol thereto[12] in their respective fields of applicability;

(q) To shape, review and implement all counter-terrorism measures in accordance with the principles of gender equality and non-discrimination;

7. *Also urges* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to give due consideration to the recommendations of the special procedures

[9] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[10] Ibid., vol. 1125, Nos. 17512 and 17513.
[11] Ibid., vol. 189, No. 2545.
[12] Ibid., vol. 606, No. 8791.

and mechanisms of the Human Rights Council and to the relevant comments and views of United Nations human rights treaty bodies;

8. *Welcomes* the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, the implementation of which will make a significant contribution in support of the rule of law in countering terrorism, including by prohibiting places of secret detention, and encourages all States that have not ratified or acceded to the Convention, to consider doing so;

9. *Recognizes* the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the ongoing efforts of the Security Council in support of these objectives, including by establishing an office of the ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism;

10. *Urges* States, while ensuring full compliance with their international obligations, to ensure the rule of law and to include adequate human rights guarantees in their national procedures for the listing of individuals and entities with a view to combating terrorism;

11. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, including by raising awareness, inter alia, through regular dialogue, about the need to respect human rights and the rule of law while countering terrorism and support the exchange of best practices to promote and protect human rights, fundamental freedoms and the rule of law in all aspects of counter-terrorism, including, as appropriate, those identified by the Special Rapporteur in his report submitted to the Human Rights Council pursuant to Council resolution 15/15;[13]

12. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, other relevant special procedures and mechanisms of the Human Rights Council, and relevant treaty bodies, giving due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism;

13. *Calls upon* States and other relevant actors, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy, which, inter alia, reaffirms respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism;

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[13] A/HRC/16/51.

14. *Calls upon* the United Nations entities involved in supporting counter-terrorism efforts to continue to facilitate the promotion and protection of human rights and fundamental freedoms, as well as due process and the rule of law, while countering terrorism;

15. *Requests* the Counter-Terrorism Implementation Task Force to continue its efforts to ensure that the United Nations can better coordinate and enhance its support to Member States in their efforts to comply with their obligations under international law, including international human rights, refugee and humanitarian law, while countering terrorism, and to encourage the Working Groups of the Task Force to incorporate a human rights perspective into their work;

16. *Encourages* relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance, upon request, consistent with their mandates, related to the prevention and suppression of terrorism to step up their efforts to ensure respect for international human rights, refugee and humanitarian law, as well as the rule of law, as an element of technical assistance, including in the adoption and implementation of legislative and other measures by States;

17. *Urges* relevant United Nations bodies and entities and international, regional and subregional organizations, including the United Nations Office on Drugs and Crime, within its mandate related to the prevention and suppression of terrorism, to step up their efforts to provide, upon request, technical assistance for building the capacity of Member States in the development and implementation of programmes of assistance and support, including for rehabilitation, for victims of terrorism in accordance with relevant national legislation;

18. *Calls upon* international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the protection of human rights, fundamental freedoms and the rule of law while countering terrorism;

19. *Takes note with appreciation* of the report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism[14] and the report of the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism,[15] submitted pursuant to resolution 65/221, as well as the priorities identified in the report of the Special Rapporteur, and requests the Special Rapporteur to continue his work in that regard;

20. *Requests* the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to make recommendations, in the context of his mandate, with regard to preventing, combating and redressing violations of human rights and fundamental freedoms in the context of countering terrorism and to continue to report and engage in interactive dialogues on an annual basis with the General Assembly and the Human Rights Council in accordance with their programmes of work;

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[14] A/66/204.

[15] See A/66/310.

21. *Requests* all Governments to cooperate fully with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur and providing the information requested, and to give serious consideration to responding favourably to his requests to visit their countries, as well as to cooperate with other relevant procedures and mechanisms of the Human Rights Council regarding the promotion and protection of human rights and fundamental freedoms while countering terrorism;

22. *Welcomes* the work of the United Nations High Commissioner for Human Rights to implement the mandate given to her in 2005, in resolution 60/158, and requests the High Commissioner to continue her efforts in this regard;

23. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Human Rights Council and to the General Assembly at its sixty-eighth session;

24. *Decides* to continue the consideration of the question at its sixty-eighth session under the item entitled "Promotion and protection of human rights".